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Management Plan Review Coordinator
Hawaiian Islands Humpback Whale National Marine Sanctuary
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Greetings,

The following are the comments of the several members of Kohala Mana Ohana in regards to the management plan review:

EXPANSION OF THE SANCTUARY TO INCLUDE TURTLES, DOLPHINS, ETC.

If the sanctuary was able to show that it has a successful record with what it already supposed to protect, then this would be a good idea. The fact is though, that the sanctuary cannot provide any evidence that it has had an impact on the increase in the whale population. Can it be shown that the percent yearly population increase since the onset of the sanctuary is a larger number than the percent population increase in the years before? Apparently not. Once this is accomplished, or some other measure of success is met, then and only then would it be appropriate to discuss expansion.

REVISED MISSION STATEMENT

The plan should begin with a revised mission statement for the sanctuary that reflects the responsibilities of the sanctuary as stated in the legislation (16 U.S.C. 1431 et Seq. and subtitle C, title 11, Pub. L. 102-587, 106 stat 5005.) The plan should then describe each area of responsibility, and also describe how the sanctuary plans to fulfill its mission.

EDUCATION CENTER ON KAUAI

An education center with a rehabilitation center is needed on Kauai. This management plan should include a task force to document all steps necessary to undertake this endeavor, and create an implementation plan for creating this facility including the projected costs involved.

NHINM

The Sanctuary should also investigate measures necessary to protect whales in the

Northwest Hawai'ian Islands National Monument (NHINM). The management plan should include research on this topic and result in recommendations and a way forward for protecting humpback whales and associated species in Papahānaumokuā'kea.

HABITAT DEGRADATION AND MARINE PROTECTED AREAS

This management plan should include development and implementation of a strategy to create a Marine Protected Area (MPA) on Kauai or Ni'ihau, with the objective of preparing a formal proposal for an MPA within the timeframe of this management cycle.

Ocean acidification represents a threat to biological diversity that is, likely, as severe as global warming. Reefs are dying from pollution & over nutrification. Fish are disappearing from pollution and over fishing. It is proven that Marine Protected Conservation Areas are very effective in re-establishing healthy reefs and fish populations. Scientists recommend a minimum of 20% of inshore waters be reserved as conservation districts to maintain healthy reefs and fish populations. These marine reserves have proven to be highly effective in re-establishing healthy fish populations. The conservation areas in Hawaii amount to less than 1 % of entire coastline. These protected areas have been proven worldwide to re-establish healthy fish populations and reef habitat. It involves TEMPORARY "no take" of specific areas, which in a matter of 18 months BENEFIT fishermen and all marine life. There are no Marine Conservation Areas on Kauai. The sanctuary should help protect reef habitat and establish "No Take" Marine Conservation Areas on Kauai. All the other Islands have this.

REGULATORY COLLABORATION BETWEEN LAND AND OCEAN USES, ESP. REGARDING POLLUTION

There must be more regulatory collaboration between land and ocean uses, especially regarding pollution, that would affect the Sanctuary. The Sanctuary must take a leading role in fostering this collaboration. The management plan should include an investigation of these issues and a plan to implement closer collaboration between the Sanctuary and other users.

SANCTUARY BOUNDARIES AND ENFORCEMENT

Presently on Kauai only a small area on the North shore is designated as sanctuary. Less than 1 % of the sanctuary budget is spent on enforcement. Currently there is practically no enforcement of existing laws (Marine Mammal Protection Act and Endangered Species Act). It is clear we need the sanctuary to be a steward playing a strong role in protecting the whales and their ocean habitat. We request that the sanctuary expand the boundaries to include all whale habitat areas especially around Kauai and Ni'ihou. We further request that more resources be spent on the above-mentioned existing laws.

ADVISORY BOARD TO BE REPRESENTATIVE OF THE ENTIRE COMMUNITY

The Advisory Board for the sanctuary must be representative of the entire community. The Advisory Board should create enforceable policies and rules while also ensuring that

funding for the Sanctuary includes effective regulatory oversight. The sanctuary must have a transparent budget and be accountable for all spending and funding decisions.

The management plan should include a description of the formal role of the Advisory Board, and a strategy for implementing and enforcing policies and responsibilities of the Sanctuary.

USE OF THE TERM “EMERGING” VS. “IMPERATIVE” IN REGARDS TO:

1. SONAR AND ACOUSTIC IMPACTS

2. SPEED

3. FISHING NETS

4. POLLUTION

The current iteration of the Sanctuary management plan describes “emerging” issues that need further study. We strongly disagree that all of these issues are “emerging”. Many of those presented are well-known issues that include regulatory policy solutions in other locations. Instead, these issues should be marked as imperative, and the management plan needs to state a way forward for the Sanctuary, not recommend further studies. The following are identified as imperative (not emerging) policies that already cover existing regulatory issues:

1. Navy sonar kills whales. It is a very painful death, and threatens all cetacean (whale & dolphin) populations. Acoustic disturbance in addition to sonar, including; shipping, underwater explosives, boat engine noise, commercial air guns & seismic surveys have all been documented to cause behavioral impacts, strandings, alters communication, causes deafness and death in whales. The sanctuary has done nothing to protect whales from sonar or acoustic disturbance. The Sanctuary should limit all sonar activity during whale season and to comply with NOAA noise policies to prevent or mitigate acoustic impacts to whales
2. Areas within the Hawaiian sanctuary must include speed limits with enforcement. Vessel strikes with whales have increased by nearly 500% in Hawaiian waters since 1975. Scientific research proves that boat speed is clearly a factor in the incidence of collisions. Scientists have advised that speed regulations should be put in place, with adequate monitoring and enforcement. The sanctuary has done nothing to protect the whales from vessel collisions. Other sanctuaries have speed limits, but not this sanctuary. Now is the time for the sanctuary to change this by establishing laws for a speed limit of 13 knots during whale season. These laws should include strict enforcement for vessels hitting whales or going over the speed limit.
3. Net entanglement is a huge threat to all marine mammals. Gillnets are invisible walls catching EVERYTHING, entire schools of fish are removed, juveniles, turtles, marine mammals, unwanted inedible fish—all by catch are thrown back dead or dying. Fish populations are dwindling dramatically. To the sanctuary’s credit, they have started a dis-entanglement program for whales. This is good, but not enough. There needs to be regulation and legal consequences of discarded fisher’s nets. The Sanctuary should work on strong laws to have all

nets identifiable and hold fishers' liable for derelict nets, and a reward for boaters who collect stray nets.

4. Chemicals & pollution create pathogen friendly environments in Hawaii's waters and cause algae blooms, which smother the reefs and are toxic to marine mammals. Pesticides, PCDD.s, PCDF's, dioxin- like PCB's, PBDE's have been found in marine mammals. From a June 2010 report; cadmium, aluminum, chromium, lead, silver, mercury and titanium together are at the highest levels ever found in marine mammals. For every one-pound of plankton living in the Pacific Ocean there are 6 pounds of plastic. The ocean has become a toxic soup. There are increasing numbers of whales dying from fatal ingestion of garbage. Plastic bags, plastic of various kinds, discarded fishing nets, etc. have been found in their stomachs. Our reefs are being smothered and killed by sediment and runoff from construction, fertilizer, pesticides and sewage. All of this eventually makes it to the ocean via ground water. Fertilizers are fertilizing the ocean causing algae blooms, this smothers the reefs and keeps them from getting sunlight. Algae grows faster than coral. Fibropapillomatosis is a tumorous disease that has reached epidemic proportions among Hawaii's Green sea turtle population. On the West coast of Maui 75 % of resident turtles are infected with this virus. Currently Maui puts 15 billion gallons of waste a year into coastal waters. The Sanctuary has taken no action to protect our waters from water pollution. The Sanctuary should fund water quality monitoring and strict laws to stop sewage dumping, pesticide and chemical runoff.

NEED TO RE-ORGANIZE AND RE-DIRECT PERSONNEL AND RESOURCES

Based on the responsibilities stated in the Mission Statement, and the tasks described above, the Sanctuary Management Plan must also address re-organization and re-direction of personnel and resources to create an operational management structure that can fulfill its duties for all the Hawaiian Island sanctuaries.

We request the Sanctuary to take a strong stand against commercial factory fisheries. The impact of this activity is tremendously detrimental to the health of the ocean and to the humpback whales. The Sanctuary can be a strong voice on this issue.

We request the Sanctuary ban aquarium fish extraction statewide. This practice is also devastating to the population of various species and to the marine habitat in general. This is another opportunity for the Sanctuary to play a pro-active role.

Thank you,

John Stern

Kapaa, HI

(please contact me if you would like a list of our members)